

REMARKS

This responds to the Office Action mailed on December 22, 2006.

Claims 1, 8, and 15 are amended; as a result, claims 1-20 are now pending in this application.

Previous Information Disclosure Statement (IDS) Statement

The Examiner acknowledged each of the references previously submitted with the IDS filed on August 23, 2005. However, Applicant had failed to include a single page reference entitled “DRM Examples;” that reference is being concurrently attached herewith for the Examiner’s consideration. Applicant respectfully request that this reference now be acknowledged in any subsequent action.

§101 Rejection of the Claims

Claims 8-14 were rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. The Examiner requested that claim 8 be amended to include the limitation of “stored/embedded on a computer.” Applicant has made these amendments above in the exact manner requested by the Examiner. Accordingly, this rejection is no longer appropriate and should be withdrawn.

§102 Rejection of the Claims

Claims 1-20 were rejected under 35 U.S.C. § 102(a) for anticipation by as being anticipated by Ram et al. (U.S. 6,519,700). It is of course fundamental that in order to sustain an anticipation rejection that each and every step or element in the rejected claims must be taught or suggested in the cited reference.

More specifically, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently in a single reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631,2 USPQ 1051, 1053 (Fed. Cir. 1987). Additionally, “[t]he identical invention must be shown in as complete detail as contained in the . . . claim.”

Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claims.

Applicants would like to respectfully reiterate that anticipation is only proper if “[t]he identical invention must be shown in as complete detail as contained in the . . . claim.”

Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ 1913, 1920 (Fed. Cir. 1989).

Ram is directed to self-protecting documents (SPD). The rights are predefined for a document in the creation of a SPD. See FIGS. 5 and 6 and related discussion in Ram. Thus, authorization exists when a document is in possession of user that has rights defined in the SPD. Stated another way, Ram does not require external interfacing with an external authentication service. The authentication service if it exist at all is local to the user that has the SPD, in fact, authentication is included in the SPD. There is no network communication to perform authentication.

Second, Ram lacks any teaching or suggestion of a teaching for a “media player” that is included within a “media stream” and that is “streamed” over a network to a recipient. There is no suggestion at all in Ram of a document being streamed to recipient. It only mentions sending an SPD conventionally over a network to a user or installing the SPD on removable medium that is distributed manually to users. Ram does not teach streaming at all and does not even suggest it.

Thirdly, Ram does not automatically “play” a media stream when a recipient is authenticated. In fact, Ram specifically counsels against doing this. The technique taught in Ram is to authenticate a user for an SPD’s content and then unconventionally render it to an encrypted format where it is then subsequently presented to the user. If “playing” occurs at all it is when the content is presented to a user and that is intentionally delayed for some non trivial amount of time after the authentication occurs within Ram. See Ram, col. 12 lines 41 through the entirety of col. 13. Specifically, the content is rendered before it is decrypted and it is encrypted when authentication is verified. Also see FIGS. 5-7 of Ram. Thus, Ram does not “automatically play a media stream” once authentication is achieved.

Fourthly, and perhaps most significantly the SPD is not self-loading, self-installing, and self-executing. The Examiner’s attention is directed to the entirety of column 12 in Ram. The SPD is “stored at the user’s system . . .” It is only executed when the user attempts to access it.

It is clear that the SPD includes self-contained access rights before a user ever is in possession of it, the SPD is also not streamed to a recipient, the SPD does not communicate

externally over a network to achieve authentication of the recipient, the SPD does not automatically play a media stream upon successful authentication, and the SPD is not self-loading, self-initiating, and self-executing (the SPD is stored and executed when a user activates).

Thus, the Ram teaching does not show the identical invention required for anticipation and in many ways teaches completely away from what Applicant has claimed. Accordingly, Applicant respectfully requests that the rejections be withdrawn and the claims allowed.

Reservation of Rights

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (513) 942-0224 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

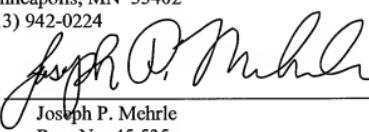
Respectfully submitted,

ARBEN KRYEZIU

By his Representatives,

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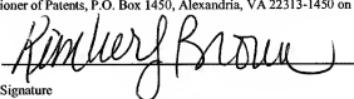
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KIMBERLY BROWN

Name

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Use as many sheets as necessary)

Complete if Known	
Application Number	10/613,721
Filing Date	July 3, 2003
First Named Inventor	Kryeziu, Arben
Group Art Unit	2131
Examiner Name	Unknown

Sheet 1 of 1

Attorney Docket No: 1780.003US1

US PATENT DOCUMENTS

Examiner Initials*	USP Document Number	Publication Date	Name of Patentee or Applicant of cited Document	Filing Date if Appropriate
78	US-2002/0178353A1	11/26/2002	Graham, R. J.	04/11/2001
78	US-5,910,987	06/08/1999	Ginter, K. L., et al.	12/04/1996

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Foreign Document No	Publication Date	Name of Patentee or Applicant of cited Document	T ²
78	EP-0665486A2	08/02/1995	Choudhury, A. K., et al.	
78	EP-0999488A2	05/10/2000	Ram, P., et al.	
78	WO-0059151A2	10/05/2000	Pelando, M., et al.	
78	WO-03005190A1	01/16/2003	Hempel, A. K., et al.	
78	WO-05008454A1	01/27/2005	Kryeziu, A.	

OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
78		Clipstream Video 2.2 Technical Guide - Section 2: Features, Clipstream -- Playerless Video and Audio Streaming, obtained from http://www.clipstream.com/help/docs/videotechguide/Features.pdf, (Nov. 29, 2002), 6 pgs.	
X		"DRM Examples", Active Internet, Obtained from http://web.archive.org/web/20030618200915/www.activeinternet.com/drm/drm_examples.asp, (Mar. 1, 2003), 1 pg.	

Not Considered because copy is not submitted.

EXAMINER

Eduard Slys

DATE CONSIDERED

12/13/06

Supplementary Disclosure Statement Form (PPD-1442)

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	EP-0999488A2	05/10/2000	Ram, P., et al.	
	WO-0059151A2	10/05/2000	Peinado, M., et al.	
	WO-03005190A1	01/16/2003	Hemple, A. K., et al.	
	WO-05008454A1	01/27/2005	Kryeziu, A.	

OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		Clipstream Video 2.2 Technical Guide -- Section 2: Features, Clipstream -- Playerless Video and Audio Streaming, obtained from http://www.clipstream.com/help/docs/videotechguide/Features.pdf , (Nov. 29, 2002), 6 pgs.	
		"DRM Examples", Active Internet, Obtained from http://web.archive.org/web/20030618200915/www.activeinternet.com/drm/drm_examp... , (Mar. 1, 2003), 1 pg.	

EXAMINER**DATE CONSIDERED**

Substitute Disclosure Statement Form (PTO-1449)

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DRM

Examples

DRM Sample Files

Click on a sample you wish to view and see the many different ways Windows Media technologies can be incorporated into everyday business solutions.

When viewing a particular file you will actually be viewing it as an end user does. Therefore, if the licensing allows a 1 free view and a purchase with unlimited usage, then that's the way the file will be presented to you.

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One license unlocks all files for one week..

Multiple Licenses with Email Verification

The examples are provided in windows media format and are encrypted with the Windows Media Right Manager 7.1.

24 Hour Preview

Set time expired License.

Pre-Delivery

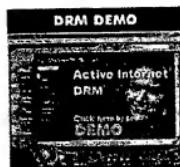
With a pre-delivery, the user will fill out the information and the file will be dispensed.

Streaming DRM with Email Verification.

The ability to save this stream is not allowed.

Silent Delivery

Live DRM Stream



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